



CNR: KAHC010053542026

NC: 2026:KHC:55475
MFA No. 633 of 2026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 6TH DAY OF OCTOBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE SHIVASHANKAR AMARANNAVAR

MISCELLANEOUS FIRST APPEAL NO. 633 OF 2026 (MV-D)

BETWEEN:

THE MANAGING DIRECTOR,
KARNATAKA STATE ROAD,
TRANSPORT CORPORATION (KSRTC),
CENTRAL OFFICE,
K.H.ROAD, SHANTHINAGAR,
BANGALORE - 560 027.

NOW REPRESENTED BY IT'S
CHIEF LAW OFFICER.

...APPELLANT

(BY SRI. DABALI FAKKIRAPPA SHIDRAMAPPA, ADVOCATE)

AND:

SMT B.L. GEETHA,
W/O. S. RAMAMURTHY,
AGED ABOUT 49 YEARS,
RESIDING AT
VADAGUR VILLAGE,
KEMBODI POST,
KOLAR TALUK AND DISTRICT - 563 101.

...RESPONDENT

(RESPONDENT IS SERVED)

THIS MFA IS FILED U/S 173(1) OF MV ACT AGAINST THE
JUDGMENT AND AWARD DATED 15.02.2025 PASSED IN MVC
NO. 7071/2022 ON THE FILE OF THE MEMBER, MACT, XVI
ADDITIONAL JUDGE, COURT OF SMALL CAUSES, BENGALURU
CITY (SCCH-14), AWARDING COMPENSATION OF

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RS. 24,80,600/- WITH INTEREST AT 6 PERCENT P.A. FROM THE DATE OF PETITION TILL THE DATE OF DEPOSIT OF THE AWARD AMOUNT.

THIS APPEAL, COMING ON FOR ADMISSION, THIS DAY, JUDGMENT WAS DELIVERED THEREIN AS UNDER:

CORAM: HON'BLE MR. JUSTICE SHIVASHANKAR AMARANNAVAR

ORAL JUDGMENT

1. This appeal is filed by the Karnataka State Road Transport Corporation ('the Corporation' for short) challenging the judgment and award dated 15.02.2025 passed in MVC No. 7071/2022 by the XVI Additional Judge, Court of Small Causes and MACT, Bengaluru (SCCH-14).

2. Even though the appeal is listed for 'Admission' today, with the consent of the learned counsel appearing for appellant – Corporation it is taken up for disposal.

3. Respondent, inspite of service of notice, remained absent and unrepresented.

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4. Respondent – claimant made a claim petition praying to award compensation for the death of her son, Rakesh R., in a road traffic accident that occurred on 22.11.2022 contending that the accident occurred due to the rash and negligent driving by the driver of bus bearing registration No. KA-57-F-4251. The Tribunal after recording evidence, appreciating the evidence on record, assessed the compensation and awarded compensation under different heads as under:

1	Loss of consortium	Rs.44,000/-
2	Loss of Love and Affection	Rs.50,000/-
3	Loss of Estate	Rs.16,500/-
4	Funeral Expenses	Rs.16,500/-
5	Expenses of transportation of dead body	Rs.10,000/-
6	Loss of Dependency	Rs.23,43,600/-
	Total	Rs.24,80,600/-

5. The Tribunal has also awarded interest at the rate of 6% p.a. from date of petition till the date of realization and directed the Corporation to deposit the said award amount with interest. Corporation has filed the

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present appeal challenging the judgment and award passed by the Tribunal.

6. Heard learned counsel for appellant – Corporation.

7. Learned counsel for appellant – Corporation would contend that the accident occurred when deceased was overtaking the bus on its right side, he dashed to the parapet wall and sustained injuries. There is no rash and negligent driving by the driver of the bus. Driver of the bus has also filed complaint as per Ex.R.7 and Ex.R.8. Without considering these aspects the Tribunal has erred in holding that the accident occurred on account of rash and negligent driving by the driver of the bus. He further submits that the Tribunal has awarded consortium and therefore, claimant is not separately entitled to compensation towards love and affection awarded by the Tribunal in a sum of Rs.50,000/-. The Tribunal has awarded funeral expenses in a sum of Rs.16,500/- and it

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includes transportation charges also and therefore, award of transportation charges in a sum of Rs.10,000/- is not proper. With this he prayed to allow the appeal.

8. Having heard learned counsel for appellant – Corporation the Court has perused the judgment, award and trial Court records.

9. The accident occurred on 22.11.2022 at about 03.30 pm. Deceased was riding his scooter bearing No. KA-07-EC-7500. Ex.P.9 is the charge sheet and it is filed against the driver of the bus. In the said charge sheet, in column No. 17, it is stated that driver of the bus while overtaking the two-wheeler of the deceased, lost control and dashed to the scooter of the deceased and head of the deceased came under the left side rare wheel of the bus and as a result of the same, rider of the scooter died on the spot. Said charge sheet is filed against the driver of the bus for offence under Sections 279 and 304-A IPC. The driver of the bus has been examined as R.W.1. Driver of

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the bus has admitted about filing of charge sheet against him for rash and negligent driving. He has not challenged the said charge sheet filed against him.

10. P.W.2 is an eye-witness to the incident and he has stated the manner in which the accident took place. Evidence of P.W.2 clearly indicate the rash and negligent driving by the driver of the bus and while overtaking the scooter of the deceased, dashing against the scooter of the deceased.

11. Ex.P.6 is – IMV report which clearly indicate that left side body near front wheel of the bus is damaged and there is dent on the right side rare body of the scooter of the deceased. Said damages also corroborate to the evidence of P.W.2 and charge sheet – Ex.P.9. Considering these aspects, the Tribunal has rightly held that the driver of the bus drove the bus in rash and negligent manner and caused the accident.



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12. Claim petition is filed by the mother of the deceased. The Tribunal has awarded loss of consortium of Rs.44,000/-. Since consortium is awarded, claimant is not entitled to loss of love and affection awarded by the Tribunal in a sum of Rs.50,000/-.

13. The Tribunal has awarded funeral expenses of Rs.16,500/-. Funeral expenses includes expenses of transportation of dead body. Therefore, claimant is not entitled to award of expenses of transportation of dead body in a sum of Rs.10,000/-.

14. Considering the said aspects, compensation awarded by the Tribunal deserves to be reduced by Rs.60,000/-. Therefore, claimant is entitled to total compensation of Rs.24,20,600/- (24,80,600 – 60,000) with interest at the rate of 6% p.a. from the date of petition till the date of realization.

15. In view of the above, the following;

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ORDER

- a) Appeal is allowed in part.
- b) Compensation awarded by the Tribunal is in a sum of Rs.24,80,600/- is reduced to Rs.24,20,600/-.
- c) Claimant is entitled to total compensation of Rs.24,20,600/- with interest at the rate of 6% p.a. from the date of petition till the date of realization.
- d) Appellant – Corporation shall deposit the enhanced compensation with interest before the Tribunal within six weeks from this day including the amount already deposited.
- e) Amount in deposit is ordered to be transmitted to the Tribunal.

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(SHIVASHANKAR AMARANNAVAR)
JUDGE

LRS
List No.: 1 Sl No.: 35
Ct-NN